

IN THE UNITED STATES DISTRICT  
COURT FOR THE NORTHERN  
DISTRICT OF TEXAS AMARILLO  
DIVISION

GARY KARRH AND ROBIN	§	
KARRH	§	
Plaintiffs	§	
	§	
v.	§	CIVIL CASE NO.2:21-cv-00044-Z
	§	
SAFECO INSURANCE COMPANY	§	
OF INDIANA, JOHN ORR,	§	
MATTHEW HERRETT AND	§	
MICHELLE JOHNSON	§	
Defendants.	§	

**DEFENDANT’S MOTION TO DISMISS ADJUSTERS JOHN ORR, MATTHEW  
HERRETT AND MICHELLE JOHNSON**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant SAFECO INSURANCE COMPANY OF INDIANA (hereinafter “Defendant”), files this MOTION TO DISMISS ADJUSTERS JOHN ORR, MATTHEW HERRETT AND MICHELLE JOHNSON and, in support of same, would respectfully show the Court as follows:

**I.**

Plaintiffs filed this suit on February 4, 2021 for fire damage to their home that occurred on February 5, 2019. *See* Plaintiff’s Petition, at pp. 1 and 3, attached as Exhibit “A”. Thus, the newly enacted Texas Insurance Code Chapter 542A applies to this suit. *See id.*; *see also* Texas Insurance Code Chapter 542A.001-.007, attached as Exhibit “B”. In this suit, Plaintiffs plead that Adjusters John Orr, Matthew Herrett and Michelle Johnson mishandled and made misrepresentations on the claim, among other allegations. *See* Exhibit “A” at pp. 4-7 and pp. 8-10. Chapter 542A applies to adjusters like John Orr, Matthew Herrett and Michelle Johnson. *See* Exhibit “B” at 542A.001 (1). Under 542A.006, Safeco has sent Plaintiffs counsel the required letter unconditionally accepting all

liability and responsibility for Adjusters John Orr, Matthew Herrett and Michelle Johnson in this suit. *See* Defense Counsel's letter to Plaintiff attorney, attached as Exhibit "C". Thus, given Safeco's statutorily allowed election to accepting responsibility for Adjusters John Orr, Matthew Herrett and Michelle Johnson, 542A.006 mandates that the Court "shall dismiss" the action against John Orr, Matthew Herrett and Michelle Johnson "with prejudice." *See* 542A.006(c). Thus, as required by Statute, Safeco respectfully requests the Court dismiss Adjusters John Orr, Matthew Herrett and Michelle Johnson with prejudice.

## **II.** **PRAYER AND CONCLUSION**

Defendants respectfully request that the Court grant this Motion to Dismiss Adjusters John Orr, Matthew Herrett and Michelle Johnson with prejudice and for all other relief to which Defendant is justly entitled.

Respectfully submitted,

LAW OFFICES OF DAVID L. CHUMBLEY, P.C.

By: /s/ David L. Chumbley  
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**ATTORNEY FOR DEFENDANT SAFECO  
INSURANCE COMPANY OF INDIANA**

**CERTIFICATE OF SERVICE**

I hereby certify that on March 12th, 2021, a true and correct copy of the foregoing instrument was served pursuant to the Federal Rules of Civil Procedure on the following counsel of record:

Tim Pirtle  
Law Offices of Timothy Pirtle  
112 S.W. 8<sup>th</sup>, Suite 200  
Amarillo, Texas 79116

/s/ David L. Chumbley  
David L. Chumbley